MONTANA LEGISLATIVE HISTORY

Chapter 244 1974

Bill H _____ S 702 Original bill & history ✓C

H. Committee on Labor & Emp Rel		S. Committee on Labor & Emp Rel	
Hearing Date(s) _____	___C	Hearing Date(s) _____	___C
3/6	✓C	4/28	✓C
_____	___C	4/30	✓C
_____	___C	_____	___C
Date Out 3/6	✓C	out 2/1	✓

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

FORTY-THIRD LEGISLATIVE SESSION

COMMITTEE ON LABOR AND EMPLOYMENT RELATIONS

BILL NO.	ENTERED COMM.	DATE CONSIDERED	OUT OF COMM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMEND. DATE	BE CONCURRED IN DATE	BE CONC. IN AS AMENDED DATE	BE NOT CONCURRED IN DATE
SB 48	1/9	1-16, 1-18, 1-21, 1-21	1/23			1/23			
SB 99	1/9								
SB 298	1/9								
SB 378		Referred to Judiciary							
SB 409	1/9								
SB 489	1/8	1-23, 2-4	2/4			2/4			
SB 497	1/8	2-13							
SB 544	1/11	1-23, 2-4	2/4			2/4			
SB 555	1/14	1-23, 1-25	1/25	1/25					
SB 635	1/17	1-25, 2-4	2/4		2/4				
SB 642	1/17	1-25, 1-23, 2-6	2/6			2/6			
SB 647	1/17	1-25, 1-30	1/30		1/30				
SB 679	1/30	2-4, 2-18		2-18					
SB 695	1/18	1-30, 2-[illegible]	2/1		2/1				
SB 699	1/18	1-30							
SB 702	1/18	1-28, 1-30, 2/1	2/1			2/1			
SB 704	1/30	2-4	2/4	2/4					

(Use Separate Sheet for Senate, House Bills, and Resolutions)

CHAPTER NO. 244

SENATE BILL NO. 702

INTRODUCED BY BOYLAN, LOWE

IN THE SENATE

SECOND REGULAR SESSION

January 18, 1974	Considered read and referred to Committee on Labor and Employment Relations.
January 26, 1974	By request time extended for additional seven days.
February 1, 1974	Committee recommend bill do pass as amended. Report adopted. Referred to Bills Committee for printing.
February 5, 1974	Reported correctly printed and placed on members' desks. Report adopted and referred to second reading.
February 6, 1974	Recommended favorably by Committee of the Whole. Report adopted. Referred to Bills Committee for engrossing.
February 7, 1974	Committee recommend bill be considered correctly engrossed. Report adopted and referred to calendar for third reading.
February 8, 1974	Read third time and passed. Title and history agreed to. Transmitted to House for concurrence.

IN THE HOUSE

February 9, 1974	Considered read and referred to Committee on Labor and Employment Relations.
March 6, 1974	Committee recommend that bill be concurred in. Report adopted. Bill referred to second reading.

March 7, 1974	Committee of the Whole recommend that bill be concurred in. Report adopted and bill referred to calendar for third reading.
March 8, 1974	Read third time and concurred in. Title and history agreed to. Returned to Senate.

IN THE SENATE

March 8, 1974	Referred to Bills Committee for enrolling.
	Reported correctly enrolled.

SENATE BILL NO. 702

INTRODUCED BY Boylan Lowe

59-1603

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION 59-1603, R.C.M. 1947, TO PROVIDE THAT ANY AGREEMENTS INVOLVING UNION SECURITY MUST SAFEGUARD THE RIGHTS OF NONASSOCIATION OF EMPLOYEES BASED ON BONA FIDE RELIGIOUS TENETS."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 59-1603, R.C.M. 1947, is amended to read as follows:

"59-1603. Employees' right to join or form labor organization and engage in collective bargaining activities. (1) Public employees shall have, and shall be protected in the exercise of, the right of self-organization, to form, join or assist any labor organization, to bargain collectively through representatives of their own choosing on questions of wages, hours, fringe benefits, and other conditions of employment and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection, free from interference, restraint or coercion.

(2) Public employees and their representatives shall recognize the prerogatives of public employers to operate and manage their affairs in such areas as but not limited to:

(a) direct employees;

(b) hire, promote, transfer, assign, and retain employees;

(c) relieve employees from duties because of lack of work or funds or under conditions where continuation of such work be inefficient and nonproductive;

(d) maintain the efficiency of government operations;

(e) determine the methods, means, job classifications, and personnel by which government operations are to be conducted;

(f) take whatever actions may be necessary to carry out the missions of the agency in situations of emergency;

(g) establish the methods and processes by which work is performed.

(3) Labor organizations designated in accordance with the provisions of this act are responsible for representing the interest of all employees in the exclusive bargaining unit without discrimination for the purposes of collective bargaining with respect to rates of pay, hours, fringe benefits, and other conditions of employment.

(4) Certification as an exclusive representative shall

be extended or continued as the case may be only to a labor or employee organization the written bylaws of which provide for and guarantee the following rights and safeguards and whose practices conform to such rights and safeguards as: provisions are made for democratic organization and procedures; elections are conducted pursuant to adequate standards and safeguards; controls are provided for the regulation of officers and agents having fiduciary responsibility to the organization; and requirements exist for maintenance of sound accounting and fiscal controls including annual audits.

(5) It is further determined that any agreements involving union security, including an all-union agreement or agency agreement, must safeguard the rights of nonassociation of employees based on bona fide religious tenets or teachings of a church or religious body of which such an employee is a member. Such employee must pay an amount of money equivalent to regular union dues, initiation fees, and assessments, if any, to a nonreligious, nonunion charity mutually agreed upon by the employee affected and representative of the labor organization to which such employee would otherwise pay dues. The employee shall furnish written proof that this has been done."

-End-

ORIGINAL

SENATE Bill No. 702

LEGISLATIVE SERVICES DIVISION
254 Has Been Checked for proper format
Lou Weber
DIRECTOR

nd Regular Session

JAN 1 8 1974

Considered Read & Referred
o Committee on
Labor and Employment Relations

JAN 2 6 1974

request time extended
additional 7 days.

EB 1 1974

mittee recommend bill do pass
mended. Report adopted. Re-
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EB 5 1974

orted correctly printed and
laced on member's desks.
eport adopted referred to
2nd reading.

FEB 6 1974

MMENDED FAVORABLY BY
MITTEE OF THE WHOLE. RE-
ADOPTED. REFERRED TO
COMMITTEE FOR ENGROSS-

EB 7 1974

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adopted and referred to
ar for third reading.

EB 8 1974

d third time and passed. Title
history agreed to. Transmitted
louse for Concurrence.

IN THE HOUSE
FEB 8 1974

Considered read and referred
to Committee on Labor

MAR 6 1974

Committee recommend that bill be
concurred in. Report adopted.
Bill referred to Second Reading.

MAR 7 1974

Com. of the whole recommend that bill
be concurred in. Report adopted and Bill
referred to Cal. for Third Reading.

MAR 8 1974

Read third time and concurred in.
Title and history agreed to.
Returned to Senate.

In the Senate
MAR 8 1974

Referred to Bills Committee for enrolling.

MAR 1 3 1974

Reported correctly enrolled
Report adopted

MAR 1 4 1974

SIGNED by PRESIDENT

MAR 1 9 1974

Verified and checked with Journal
and found correct

MINUTES OF THE MEETING
LABOR AND EMPLOYMENT RELATIONS COMMITTEE
MONTANA STATE SENATE

January 28, 1974

The meeting of the Labor and Employment Relations committee was called to order by Chairman Siderius on the above date in Room 402 of the State Capitol Building at 8:30 a.m.

ROLL CALL: All members present except Senator Bennett.

CONSIDERATION OF SENATE BILL NO. 642: Jim Murray, Executive Secretary of the Montana AFL-CIO appeared before the Committee since he was unable to appear on Friday. Mr. Murray stated that he was not before the committee as a proponent but to ask for an amendment to this bill and that would be to delete the last paragraph of this bill. In actuality, with this bill, we gave widows and children a cut in benefits. One certain case right now the widow is receiving $12.50 workmen's compensation benefits where she should be receiving around $131.00 which is the average weekly wage in Montana at the present time. In the bill we increased the length of time that benefits may be received (for life or until remarriage) but we decreased the benfits with the off-set. This amendment should be retroactive to July 1, 1973 so the persons affected since that time would receive the benefits they are entitled to. There have been 36 deaths since July 1, 1973.

A general discussion of this bill was held following Mr. Murray's statement. Senator Shea asked if there would be a possibility of making retribution to these people that have been affected since July 1, 1973.

CONSIDERATION OF SENATE BILL NO. 702: Senator Boylan appeared before the Committee and introduced Norman Ostrander, clergyman of the Seventh Day Adventist Church. No oral testimony was given by him other than reading the first 10 pages of his brief. (copy attached).

Tom Winsor of the Montana Chamber of Commerce supported the views of Mr. Ostrander and supports SB 702.

Senator Bertsche questioned how the religious convictions would be determined. Mr. Ostrander said that would be up to the Committee to work out some type of board or council. The person would have to be a bona fide member of a religious organization that teaches against joining labor unions. To his knowledge the Seventh Day Adventist Church is the only one in Montana that teaches this.

Senator Keenan asked how many people in the state now come under this situation? Mr. Ostrander stated that only 21 persons. The Seventh Day Adventists have around a 2500 membership in the state and at the most, some day, may have 100 people that would come under this situation.

CONSIDERATION OF SENATE BILL NO. 708: Senator Keenan asked that this bill be held for a couple days as some of the persons

coming to give testimony could not be here today. Agreeable with Committee members.

CONSIDERATION OF SENATE BILL 711:

Senator Bertsche appeared before the Committee and explained that they had gotten a ruling from the Attorney General but felt that the bill should be amended to make it very clear.

Doyle Saxby, Director of the Department of Administration supports the amendments in this bill. He also stated that an effective date should be amended into the bill.

Pete Byrnes of the Department of Administration was also present.

DISPOSITION OF SENATE BILL NO. 711: Senator Bertsche made a motion to include amendments pertaining to an effective date in the title and at the end of the bill, being Section 2, motion seconded by Senator Keenan. MOTION CARRIED UNANIMOUSLY.

Senator Bertsche moved that SB 711 DO PASS AS AMENDED, seconded by Senator Flynn. MOTION CARRIED UNANIMOUSLY.

DISPOSITION OF SENATE BILL NO. 702: Senator Keenan suggested that the Committee members have a few days to think about SB 702. Chairman Siderius appointed a sub-committee of Senators Bertsche, McNamer and Keenan to work on any amendments to this bill. The sub-committee will report back to this committee.

Senator Siderius stated that Senator Hazelbaker asked that we hold SB 489, 544, and 635 in abeyance. Something may be able to be worked out with the Department of Administration.

Senator Jensen motioned to adjourn, seconded by Senator Keenan. MOTION CARRIED.

Adjourned at 9:20 a.m.

Siderius

GEORGE SIDERIUS, Chairman

STATEMENT

of

N. D. Ostrander

in behalf of the

SEVENTH-DAY ADVENTIST CHURCHES

in Montana

for the

LABOR AND EMPLOYMENT COMMITTEE

SB 702

My name is Norman Gutrander. I am a clergyman and Associate Director of the Department of Public Affairs and Religious Liberty of the Seventh-day Adventist Church in the state of Montana. It is my privilege to testify in behalf of the members of the more than thirty-four local Seventh-day Adventist congregations located in the state of Montana. This statement has been authorized by the officers of the Montana Conference of Seventh-day Adventists.

This statement is in behalf of the Seventh-day Adventists in Montana who have voiced their support in favor of SB 702.

The people I refer to march to the beat of a different drummer. They have different convictions than some of their fellow-workers. Like some of the founders of this nation, they hold religious convictions above consideration of money or security. They are even willing to lose their jobs rather than violate their religious convictions.

I am speaking of those who will not, for conscientious and religious reasons, join or support labor organizations. Most Seventh-day Adventists fall into this category. But they are not alone. When 14(b) hearings were held before the U. S. Congress, spokesmen appeared on behalf of the Plymouth Brethren IV, the Mennonites, the Amish and the National Association of Evangelicals, which embraces forty denominations. Those spokesmen plead, "Please grant an exemption to us for reasons of conscience from compulsory unionism."

Historically, the Seventh-day Adventist Church has taught its members to stand apart from industrial strife. (See Exhibit A) Members who do not join or support labor organizations are motivated solely by religious convictions which they express in a non-violent way. They feel barred by conscience from membership or support in any organization which requires men of varying convictions to adhere to policies, comply with decisions or abide by restrictions which may be contrary to individual religious convictions.

THERE ARE ALTERNATIVES

Other lawmakers confronted with this question of conscience have met and solved it without threatening the security of organized labor. New Zealand and Australia, two countries with strong labor unions, are cases in point. Both countries have arrived at the same two-part solution. First, they require each individual with religious convictions against joining or supporting a labor union to appear before a committee composed of a government man, a labor union official, a clergyman and several businessmen. If this committee, as far as it can determine, finds that the applicant has sincere religious convictions against joining or supporting labor organizations, an exception is recommended.

Secondly, this exception requires that the religious objector pay the equivalent of dues and initiation fees to the government. The religious objector must abide by the rules of the contract. In this arrangement, he does not belong to

nor does he support the labor union. Neither does he receive benefits, such as sickness or death benefits, administered by the labor unions. Because the governments of New Zealand and Australia have recognized religious convictions to be of peculiar delicacy, Seventh-day Adventists work side by side with labor union members. Recently, the states of Washington and Oregon have passed laws which help these people who have convictions against either joining or supporting labor unions. (See Exhibit I)

A similar alternative was suggested for the United States in 1965 by the Honorable Edith Green. (See Exhibit B) Senator Wayne Morse suggested another alternative which, after many weeks of study by the Senate Committee on Labor and Public Welfare, was passed and recommended to the Senate on August 19, 1965. (See Exhibit C)

Several years ago, we appeared before the House Special Subcommittee on Labor in the U. S. Congress during the 14(b) battle in behalf of the people who could not violate their religious convictions even though their jobs were at stake. As a result of our testimony, and that of other religious leaders mentioned later in this testimony, Mr. George Meany of the AFL-CIO sent Chairman Frank Thompson a letter and asked that it be included in the record. (See Exhibit D)

Mr. Meany, assuring the House Labor Subcommittee that he and the international unions he represented understood the problem of the religious objector, said:

> "I am strongly of the view that unions and employers should undertake to accommodate the religious objections with regard to union security arrangements."

After acknowledging that difficulties had been encountered, Mr. Meany said:

> "In any event, I believe that unions, and employers, too, should accommodate themselves to genuine individual religious scruples and I am sure that all of our unions will take that view, too. I intend, accordingly, to propose to the AFL-CIO Executive Council that it adopt a strong policy statement to that effect; and that the international unions affiliated with the AFL-CIO undertake to insure that their local union scrupulously respect individual religious reservations in the administration of union security agreements."

Mr. Meany added:

> "I do not believe that this matter is one which calls for or lends itself to legislation."

His statement of the problem is clear. Unions should "accommodate themselves to genuine individual religious scruples."

True to his word, however, Mr. Meany, on September 20, 1965, did take the matter to his Executive Council which informed the internationals that the "Executive Council declares it to be the policy of the AFL-CIO that unions should accommodate themselves to genuine individual religious scruples." (See Exhibit E)

The Council urged "all national and international unions affiliated with the AFL-CIO, that have not already done so, to:

> 1. Immediately adopt procedures for respecting sincere personal religious convictions as to union membership or activities; and
>
> 2. Undertake to insure that this policy is fully and sympathetically implemented by all local unions."

OTHER CHURCHES MAKE APPEAL

Other churches responded to the appeal of Seventh-day Adventists and others for legislation to protect their religious convictions. During the hearings mentioned above, representatives of three major faiths appeared before the Committee; namely, the National Council of Churches, the National Catholic Welfare Conference and a Jewish organization. Each representative stated that he was in favor of protecting the religious objectors in their refusal to either join or support labor unions. They also indicated that they appreciated the promise of labor to protect these religious convictions.

Excerpts from the statements of these men (taken from hearings on Repeal of Section 14(b), given before the Special Subcommittee on Labor, House of Representatives, 89th Congress) follows:

REV. J. EDWARD CAROTHERS, Associate General Secretary, National Division of the Board of Missions of the Methodist Church; Secretary of Commission on the Church and Economic Life, National Council of Churches of Christ in the USA:

> "Adequate protection for those individuals who, for reasons of religious belief . . . cannot participate in all conditions of membership."--Page 661

RT. REV. MSGR. GEORGE G. HIGGINS, Director, Social Action Department, National Catholic Welfare Conference:

> "My position on the issue is that the conscientious objections from religious motives of people who do not feel they can in good conscience belong to a union should be respected, but I personally strongly favor the position taken in the letter submitted for the record to your chairman by President Meany of the AFL-CIO urging that this matter be resolved through negotiation between the several religious groups involved and the unions involved.

"I have complete sympathy with their point of view. I disagree with it from my own ethical and religious point of view. I think it must be resolved, not only in theory, but in practice."--Page 567

RABBI RICHARD G. HIRSCH, representing the Central Conference of American Rabbis:

"We should like to take special note of the problem raised by those among the Amish, Mennonites, Plymouth Brethren, National Association of Evangelicals, and Seventh-day Adventists whose religious convictions do not permit them to join labor unions or any other non-religious organization. It is essential in our democratic society to protect the rights of these persons, as of all minority groups, no matter how small the number involved.

"We recommend, therefore, that the most effective means is for the unions and these workers to establish an equitable arrangement privately. Some unions have already worked out such arrangements and we have good reason to believe that all others would be willing to do so . . . . "--Page 265

POSTAL REFORM - 1970 - SETS EXAMPLE

When the Postal Reform Bills were reported out of the committee in the U. S. House of Representatives and the U. S. Senate, each bill carried an amendment in identical language which protected religious objectors. Later, by majority vote, both the House and the Senate proved that they favor a law which protects the individual with religious convictions against either joining or supporting labor unions.

The Postal Amendment, introduced and adopted by the U. S. House Postal and Civil Service Committee on May 7, 1970, and by the U. S. Senate Postal and Civil Service Committee on May 25, 1970, is as follows:

"No individual who is a member of a religious sect, or division thereof, the established and traditional tenets or teaching of which oppose a requirement that a member of such sect or division join or financially support any labor organization, may be required to join or financially support any labor organization as a condition of employment if such individual pays to the Treasurer of the United States a sum equal to the initiation fees and periodic dues uniformly required as a condition of acquiring and retaining membership in a labor organization which is representative of the employee unless said individual and said labor organization mutually agree upon some other condition of employment."

As finally voted, the Senate Bill contained both the religious objector and the Right to Work amendment. The House Bill contained only the religious objector amendment. Later in conference, the conferees agreed to the following language which protects the religious objector:

"Each employee of the Postal Service shall have the right, freely and without fear of penalty or reprisal, to form, join, and assist a labor organization or to refrain from any such activity, and each employee shall be protected in the exercise of this right."

LABOR UNION PROMISES

All Christians who have religious convictions against joining or supporting labor unions appreciate the concern expressed by Mr. George Meany (see Exhibit E) and the urging of the Executive Council for all national and international unions affiliated with the AFL-CIO to adopt procedures for respecting sincere personal religious convictions.

Had the various internationals and locals followed this counsel, we would not be here today. Unfortunately, it seems that Mr. Meany and his Executive Council have no power to do any more than recommend. It seems, however,

that the AFL-CIO is a loosely-knit association of internationals and local labor unions, and that neither his letter, his statements nor his proposed Executive Council action could dictate the response of the groups he purported to speak for. The experience of Seventh-day Adventists attempting to make a living and not compromise their religious convictions by joining or supporting labor unions has proved this fact thousands of times since these promises were made to the government in 1965.

MORE PROMISES

Again this year, the promises are flowing freely. This is always true when the church appeals for some type of legislative action. At that time, state labor leaders and lobbyists for the labor organization stepped forward with all kinds of promises, the kind we have heard for eight years, in fact the same kind that were made right here in Montana when these problems were presented to the Legislature. But the results have all been the same. Labor locals, state organizations and internationals in the state of Montana have consistently refused to recognize or accommodate for the religious convictions of Seventh-day Adventists in regard to labor union membership and support. It is not more promises that we need, but some kind of action backed up by a state law.

An exemption, patterned after the one worked out by the U. S. Senate Committee on Labor (see Exhibit C), should be passed to protect these people with their religious convictions.

MR. GEORGE MEANY APPROVES

Organized labor, through their representative, Mr. George Meany, has indicated that Labor could live with an exemption for religious objectors (See Exhibit F) for it does not present a threat to union security agreements.

THE SPIRIT OF THE 1964 CIVIL RIGHTS LAW

The Civil Rights Law of our nation embraces more than the concept of color, nationality or ethnic background. It also forbids discrimination because of religion. When an individual refuses to join or support a labor union because of his religious convictions, present laws make it possible for labor unions to compel that individual to choose between his religious convictions and his job. This the Equal Employment Opportunity Commission declares to be religious discrimination. (See Exhibit G) These findings are rather new with the EEOC, but they have been showing up in various parts of the country. To protect your own laws, you must make sure religious objectors are protected against being forced to choose between their jobs and their religion. SB 702 will help your laws from being declared in violation of the Civil Rights Law.

Seventh-day Adventists are not opposed to labor unions. We do not organize campaigns against them. We recognize the right of an individual to join or support a labor union. Likewise, we sincerely request that this committee not only recognize the right of a religious objector to refrain from joining and

supporting a labor union, but that it protect him in that right by writing a religious exemption into law.

You may not agree with the religious convictions of Seventh-day Adventists in regard to labor unions. You may even believe that these convictions are foolish, a little old-fashioned, something that might belong to the past. But as good Americans, you certainly believe in protecting a man in his beliefs and religious convictions. For his freedom is your freedom. When his freedom is denied, yours is in danger. Thank you for your consideration and support of an amendment to protect the people who, because of their religious convictions, cannot either join or support a labor union.

#

GENERAL CONFERENCE of SEVENTH-DAY ADVENTISTS

EXHIBIT A

LABOR UNIONS--SEVENTH-DAY ADVENTIST POSITION STATEMENT

WHEREAS, On the basis of principles set forth in the Bible, the Seventh-day Adventist Church teaches that Christ is to be Lord of the life, the ultimate authority to which Christians will submit all decisions and relationships (Acts 2:36; 5:29; Col. 3:23, 24); and

WHEREAS, The church teaches that Christians should stand apart from any organization or alliance that might impinge on the lordship of Christ in the life (Isa. 8:12, 13; 2 Cor. 6:14-18); and

WHEREAS, The Christian dare not violate his conscience by giving support to activities or policies incompatible with the principles and counsel set forth in God's Word; and

WHEREAS, An increasing number of Seventh-day Adventists are finding it necessary to explain the position of the church in relation to joining or financially supporting labor unions and similar organizations,

We recommend, 1. That the Seventh-day Adventist Church hereby reaffirm its historical position that its members should not join or financially support labor unions and similar organizations.

2. That the Seventh-day Adventist Church member is following the teaching of the church when because of religious convictions he refuses to join or financially support labor unions and similar organizations or associations, or discontinues membership or financial support of a labor union, and similar organization or association.

3. That pastors diligently inform Seventh-day Adventist Church members through sermons, personal counseling, church publications and other media of the Bible principles and the Spirit of Prophecy counsel on which the church's position is based.

--North American Division Committee on Administration
Mexico City
October 16-20, 1972

EXHIBIT B

H. R. 6962

89th Congress
1st Session

A bill to amend the National Labor Relations Act to provide that individuals with religious convictions against joining or participating in a labor organization under a union security collective-bargaining agreement shall not be required to join or contribute to the support of that labor organization.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the National Labor Relations Act (29 U.S.C. 151-168) is amended by adding at the end thereof the following new section:

"INDIVIDUALS WITH RELIGIOUS CONVICTIONS

"Sec. 19. No individual who has religious convictions against joining or financially supporting a labor organization may be required to join or financially support any labor organization as a condition of employment if such individual pays to the Treasurer of the United States a sum equal to the initiation fees and periodic dues uniformly required as a condition of acquiring and retaining membership in a labor organization which is representative of the employee unless said individual and said labor organization mutually agree upon some other condition of employment.

EXHIBIT C

August 19, 1965

The following is the text of the "conscience" amendment as approved today by the Senate Committee on Labor and Public Welfare:

"(c) Section 8(a) (3) of such Act is further amended by striking the semicolon after paragraph (B) and adding a new paragraph (C)at the end thereof, as follows: ', or

'(C) if he has reasonable grounds for believing (i) that such employee has been issued a certificate by the National Labor Relations Board either that he is a member of a religious sect or division thereof, the established and traditional tenets or teachings of which oppose a requirement that a member of such sect or division join or financially support any labor organization, or that, even though he is not a member of such a religious sect or division thereof, he holds conscientious objections to membership in any labor organization based upon his religious training and beliefs in relation to a Supreme Being involving duties superior to those arising from any human relation, and (ii) either that such employee has timely paid, in lieu of periodic dues and initiation fees, sums equal to such dues and initiation fees to a nonreligious charitable fund exempt from taxation under section 501(c) (3) of the Internal Revenue Code, designated by the labor organization, or that the labor organization has failed upon request to designate such a fund or waives such payment, or (iii) that such employee has complied with alternative arrangements mutually agreed upon by such employee and such labor organization;'

C O P Y

Statement by the AFL-CIO Executive Council

on

Union Membership and Religious Objectors

New York, New York
September 20, 1965

In connection with consideration by the Congress of repeal of Section 14(b) of the Taft-Hartley Act, representatives of certain religious groups testified that some of their members have personal religious convictions which may stand in the way of their formally joining unions or, to varying degrees, participating in or financially supporting union activities.

A number of national and international unions have in the past worked out arrangements with particular religious groups for handling this problem of individual religious objectors, but other unions have not yet done so.

The Senate Labor Committee has incorporated in the bill repealing Section 14(b) provisions giving to religious objectors the option of contributing to a non-religious charity, designated by the union, sums equal to union dues and initiation fees--provisions which the AFL-CIO supports. These provisions become operative where there are no voluntary agreements covering these matters. It is the conviction of the AFL-CIO that such voluntary union agreements are the best method for handling such matters.

Therefore this Executive Council declares it to be the policy of the AFL-CIO that unions should accommodate themselves to genuine individual religious scruples. We strongly urge all national and international unions affiliated with the AFL-CIO, that have not already done so, to:

1. Immediately adopt procedures for respecting sincere personal religious convictions as to union membership or activities; and

2. Undertake to insure that this policy is fully and sympathetically implemented by all local unions.

Department of Public Affairs and Religious Liberty
General Conference of Seventh-day Adventists
6840 Eastern Avenue, N. W., Washington, D. C. 20012

EXHIBIT D

LETTER FROM GEORGE MEANY REGARDING RELIGIOUS CONVICTIONS OF LABOR UNIONS

Dear Mr. Thompson: It has been brought to our attention that some members of certain religious groups may have personal religious convictions which stand in the way of their joining unions, in the sense of formally becoming members; or participating in certain union activities, such as picketing; or, perhaps contributing financially to certain causes which unions may support. Suggestions have been made that some sort of special treatment should be accorded to these religious objectors.

These suggestions reflect in part a misapprehension as to what the National Labor Relations Act provides or permits. Under the types of union security arrangements permitted by the act, a person may only be required, as a condition of employment, to render the normal dues and initiation fees, which may not be "excessive" or "discriminatory." No one may be required to become a member of a union, or take an oath or obligation to it, or attend meetings, or participate in picket line duty.

Any religious reservations with regard to union security must perforce relate only to the possible use of dues money for purposes with which individuals may disagree. In line with that, it has been proposed that religious objectors be granted the option to contribute to charity, or to union charitable funds. A widely run advertisement urges that the option be given of contributing the equivalent of dues to the U. S. Treasury.

These same advertisements declare that the Taft-Hartley Labor Law does infringe on this "free exercise of religion" in violation of the Constitution of the United States. This assertion is ill founded. At least the courts have not, to date, thought this contention worthy of serious consideration. (See Otten v. Baltimore & Ohio R. Co., 205 F.2d 58, 229 F.2d 919 (2d Cir.), cert. denied, 351 U. S. 983.)

Nevertheless, I am strongly of the view that unions and employers should undertake to accommodate religious objections with regard to union security arrangements, just as I think that persons who object to working on Sunday, or Saturday, are entitled to consideration.

Various unions have in the past worked out a variety of arrangements with particular religious groups. In some instances, special membership cards have been issued to religious objectors, and they have participated fully in union activities except for not taking the union oath or obligations, or serving as pickets. In other cases religious objectors have not participated at all in union enterprises, but have paid the equivalent of dues to a union charitable fund or to an agreed upon charity. One union issues special cards attesting that the holder is "entitled to the same rights of employment as good standing members of the union."

I am told that there have in the past been some difficulties in the implementation of these agreements by particular local unions. Some local union officials are reluctant to give special treatment to a handful of people, and employers, I am told, don't like the extra accounting and recordkeeping involved. It may be that where the numbers of people involved are very small the best course would be for the union and the employer to exclude them entirely from the union security arrangement.

In any event, I believe that unions, and employers, too, should accommodate themselves to genuine individual religious scruples, and I am sure that all of our unions will take that view, too. I intend, accordingly, to propose to the AFL-CIO Executive Council that it adopt a strong policy statement to that effect; and that the International unions affiliated with the AFL-CIO undertake to insure that their local unions scrupulously respect individual religious reservations in the administration of union security agreements.

I do not believe that this matter is one which calls for or lends itself to legislation. The newspaper advertisements to which I have adverted urge that the National Labor Relations Board be directed to prescribe regulations dealing with this subject. Presumably, the Board would undertake to screen each individual claiming to be an individual objector. Such an approach seems to me neither desirable nor practicable. The Selective Service System is hardly a precedent, for the country has thousands of draft boards and appeals boards, and established alternative forms of noncombatant service. Nor do I think that the problems are otherwise parallel.

Another reason why the matter does not lend itself to statutory treatment is that there is considerable variance in the nature and exent of religious objections to participation in unions. As I indicated, some objectors wish to participate in union meetings and other activities, and object only to taking an oath or obligation, and to participating in picket-line activity. Other objectors desire a lesser degree of participation. I am confident that unions and employers can work this matter out satisfactorily with the particular religious groups involved.

This whole matter seems to me, incidentally, to have only a remote relevance to the repeal of section 14(b).

I will appreciate it if you will make this letter a part of the record at the appropriate place.

Sincerely,

George Meany, President.

Repeal of Section 14(b) of the Labor-Management Relations Act
Hearings before the Special Subcommittee on Labor of the Committee on Education and Labor, House of Representatives, Eighty-Ninth Congress, First Session, on H.R. 77, H.R. 4250 and Similar Bills to repeal section 14(b) of the National Labor Relations Act, as amended, and

section 705(b) of the Labor-Management Reporting and Disclosure Act of 1959 and to amend the first proviso of Section 8(a) (3) of The National Labor Relations Act, as amended, Part 1, Hearings held in Washington, D. C., May 24, 25, 26, 27, 28; June 1, 2, and 3, 1965. Printed for the use of the Committee on Education and Labor, Adam C. Powell, Chairman.

EXHIBIT E

C O P Y

Statement by the AFL-CIO Executive Council

on

Union Membership and Religious Objectors

New York, New York
September 20, 1965

In connection with consideration by the Congress of repeal of Section 14(b) of the Taft-Hartley Act, representatives of certain religious groups testified that some of their members have personal religious convictions which may stand in the way of their formally joining unions or, to varying degrees, participating in or financially supporting union activities.

A number of national and international unions have in the past worked out arrangements with particular religious groups for handling this problem of individual religious objectors, but other unions have not yet done so.

The Senate Labor Committee has incorporated in the bill repealing Section 14(b) provisions giving to religious objectors the option of contributing to a non-religious charity, designated by the union, sums equal to union dues and initiation fees--provisions which the AFL-CIO supports. These provisions become operative where there are no voluntary agreements covering these matters. It is the conviction of the AFL-CIO that such voluntary union agreements are the best method for handling such matters.

Therefore this Executive Council declares it to be the policy of the AFL-CIO that unions should accommodate themselves to genuine individual religious scruples. We strongly urge all national and international unions affiliated with the AFL-CIO, that have not already done so, to:

1. Immediately adopt procedures for respecting sincere personal religious convictions as to union membership or activities; and

2. Undertake to insure that this policy is fully and sympathetically implemented by all local unions.

Department of Public Affairs and Religious Liberty
General Conference of Seventh-day Adventists
6840 Eastern Avenue, N. W., Washington, D. C. 20012

August 19, 1965

The following is the text of the "conscience" amendment as approved today by the Senate Committee on Labor and Public Welfare:

"(c) Section 8(a) (3) of such Act is further amended by striking the semicolon after paragraph (B) and adding a new paragraph (C) at the end thereof, as follows: ', or

'(C) if he has reasonable grounds for believing (i) that such employee has been issued a certificate by the National Labor Relations Board either that he is a member of a religious sect or division thereof, the established and traditional tenets or teachings of which oppose a requirement that a member of such sect or division join or financially support any labor organization, or that, even though he is not a member of such a religious sect or division thereof, he holds conscientious objections to membership in any labor organization based upon his religious training and beliefs in relation to a Supreme Being involving duties superior to those arising from any human relation, and (ii) either that such employee has timely paid, in lieu of periodic dues and initiation fees, sums equal to such dues and initiation fees to a nonreligious charitable fund exempt from taxation under section 501(c) (3) of the Internal Revenue Code, designated by the labor organization, or that the labor organization has failed upon request to designate such a fund or waives such payment, or (iii) that such employee has complied with alternative arrangements mutually agreed upon by such employee and such labor organization;'

Mr. Markell stated that the final authority for determining policies shall be the school board. Should make the teacher negotiation law work as originally intended.

DISCUSSION OF SENATE BILL 695: Senator McNamer asked if a professional mediator could be worked into this without changing the whole law? Could the parties share the cost of a professional mediator? He also stated after questioning Mr. Markell that the fact finders report could be used as the facts for a court hearing.

Senator Himsl stated that out of 450 total school boards there was only four cases of impasse last year.

CONSIDERATION OF SENATE BILL 702: The sub-committee did not have the chance to get together concerning amendments to this bill. Will report to the committee on Friday.

CONSIDERATION OF SENATE BILL 647: Senator Bertsche moved, seconded by Senator Keenan that this be a DO NOT PASS. MOTION CARRIED UNANIMOUSLY.

Senate Bill 708 will be heard on Friday, February 1, 8:30 a.m.

Senator Bertsche motioned to adjourn, seconded by Senator Keenan.

Adjourned 9:55 a.m.

GEORGE SIDERIUS, Chairman

CONSIDERATION OF SB 702: The sub-committee of Senators Bertsche, McNamer and Keenan reported to the committee with an amendment (see committee report) deleting subsection (5) and inserting new material.

DISCUSSION OF SENATE BILL 702: Considerable discussion was held concerning this bill. Senator Keenan felt this was a foot in the door to the breakdown of the unions. If these people really feel they want to make a sacrifice let them sacrifice the paid vacations, raise in wages, and all the fringe benefits that go along with unions. Senator McNamer agreed with Senator Keenan. Senator Bertsche stated that some unions in the state are already recognizing religious beliefs that do not believe in joining the unions. Religion is a subject that is very personal and these people are entitled to their beliefs.

Tom Keegan, Researcher, stated that Washington and Oregon are the states that have this law in effect.

DISPOSITION OF SENATE BILL 702: Senator McNamer moved the amendments on page 3, line 12, subsection (5) by deleting subsection (5) in its entirety and inserting the new material. Seconded by Senator Moore. MOTION CARRIED UNANIMOUSLY.

Senator Bertsche moved SB 702 DO PASS AS AMENDED, seconded by Senator Jensen. MOTION CARRIED 7 to 3 with Senators Keenan, Shea and Himsl voting no.

CONSIDERATION OF SENATE BILL 695: Senator McNamer felt that the school boards were meant to be something separate and this would attempt to centralize power. He did not like the idea of a one man fact finding committee. Felt that a professional mediator could be worked out when an impasse occurs. Senator Flynn asked if the school board would be obliged to ask for an appeals board. The reply was that both sides would have to agree to arbitration. The facts are not the final say and this does not take the final decision away from the school board. Senator Shea agrees with McNamer and Himsl.

Senator Bertsche moved that SB 695 be amended in the title of the bill, page 1, line 10 by providing an effective date and page 8, line 4 by making the effective date of this bill July 1, 1976.

The board of personnel appeals feel they could handle this by July, 1976 but at the present time they have enough to take care of with the appropriation they have to work with.

DISPOSITION OF SENATE BILL 695:

Senator McNamer made a substitute motion that SB 695 DO NOT PASS, seconded by Senator Moore. The substitute motion carried by a vote of 6 to 4 with Senators Jensen, Bertsche, Keenan and Siderius voting no.

Senator Keenan motioned to adjourn at 9:30 a.m., seconded by Senator Bertsche. MOTION CARRIED.

GEORGE SIDERIUS

STANDING COMMITTEE REPORT

XXXXX DO PASS AS AMENDED
☐ DO NOT PASS
☐ BE CONCURRED IN
☐ BE NOT CONCURRED IN
☐ BE ADOPTED
☐ BE NOT ADOPTED
☐ BE HELD OVER

February 1 19 74

Bill Clerk

MR. PRESIDENT

We, your committee on LABOR AND EMPLOYMENT RELATIONS

having had under consideration SENATE Bill No. 702

Respectfully report as follows: That SENATE Bill No. 702

Be amended on Page 3, line 12 through line 23, subsection (5) by deleting the underlined material in its entirety and inserting the following new subsection (5):

(5) No public employee who is a member of a bona fide religious sect, or division thereof, the established and traditional tenets or teachings of which oppose a requirement that a member of such sect or division join or financially support any labor organization, may be required to join or financially support any labor organization as a condition of employment, if such public employee pays, in lieu of periodic union dues, initiation fees, and assessments, at the same time or times such periodic union dues, initiation fees, and assessments would otherwise be payable, a sum of money equivalent to such periodic union dues, initiation fees, and assessments, to a nonreligious, nonunion charity designated by the labor organization. Such public employee shall furnish to such labor organization written receipts evidencing such payments and failure to make such payments or furnish such receipts shall subject the employee to the same sanctions as would nonpayment of dues, initiation fees or assessments under the applicable collective bargaining agreement.

XXXXXX
DO PASS

CONTINUED

Chairman.

A public employee desiring to avail himself or herself to the right of nonassociation with a labor organization as provided in this sub-section shall make written application to the Chairman of the Board of Personnel Appeals. Within ten days of the date of receipt of such application, the Chairman shall appoint a committee of three consisting of a clergyman not connected with the sect in question, a labor union official not directly connected with the labor organization in question and a member of the public at large, who shall be the chairman. The committee shall, within ten days of the date of its appointment, meet at the locale of either the employee's residence or place of employment and, after receiving written or oral presentations from all interested parties, determine by a majority vote whether or not such public employee qualifies for the right of nonassociation with such labor organization. The committee's decision shall be made in writing within three days of the meeting date and a copy thereof shall be forthwith mailed to such public employee, labor organization and the Chairman of the Board of Personnel Appeals.

AND AS SO AMENDED
DO PASS

GEORGE SIDERIUS, Chairman

SENATE

OF THE

STATE OF MONTANA

OFFICE OF THE SECRETARY

DATE: 2-6-74

The Secretary of the Senate in accordance with Joint Rule 3-7(b) is hereby ordering the following clerical correction to Senate Bill No. 702 which are as follows:

In the Senate committee on Labor and Employment Relations amendments, dated Feb. 1, 1974, on page 2 of said amendments, line 3 by changing the word "sub-section" to be "subsection"; and on line 6 and line 15 of said page, following the word "three" by inserting the figure and punctuation "(3)"; and on line 9 following the word "ten" by inserting the figure and punctuation "(10)"

Principal Sponsor

DATE:

Secretary of the Senate

DATE: 2-6-74

CONSCIENCE CLAUSE AMENDMENT TAKEN FROM SENATE BILL 702
WHICH WAS PASSED BY THE SENATE ON FEBRUARY 6, 1974

NO PUBLIC EMPLOYEE WHO IS A MEMBER OF A BONA FIDE RELIGIOUS SECT, OR DIVISION THEREOF, THE ESTABLISHED AND TRADITIONAL TENETS OR TEACHINGS OF WHICH OPPOSE A REQUIREMENT THAT A MEMBER OF SUCH SECT OR DIVISION JOIN OR FINANCIALLY SUPPORT ANY LABOR ORGANIZATION, MAY BE REQUIRED TO JOIN OR FINANCIALLY SUPPORT ANY LABOR ORGANIZATION AS A ~~CONDITION OF EMPLOYMENT, IF SUCH PUBLIC EMPLOYEE~~ PAYS, IN LIEU OF PERIODIC UNION DUES, INITIATION FEES, AND ASSESSMENTS, AT THE SAME TIME OR TIMES SUCH PERIODIC UNION DUES, INITIATION FEES, AND ASSESSMENTS WOULD OTHERWISE BE PAYABLE, A SUM OF MONEY EQUIVALENT TO SUCH PERIODIC UNION DUES, INITIATION FEES, AND ASSESSMENTS, TO A NONRELIGIOUS, NONUNION CHARITY DESIGNATED BY THE LABOR ORGANIZATION. SUCH PUBLIC EMPLOYEE SHALL FURNISH TO SUCH LABOR ORGANIZATION WRITTEN RECEIPTS EVIDENCING SUCH PAYMENTS AND FAILURE TO MAKE SUCH PAYMENTS OR FURNISH SUCH RECEIPTS SHALL SUBJECT THE EMPLOYEE TO THE SAME SANCTIONS AS WOULD NONPAYMENT OF DUES, INITIATION FEES OR ASSESSMENTS UNDER THE APPLICABLE COLLECTIVE BARGAINING AGREEMENT.

A PUBLIC EMPLOYEE DESIRING TO AVAIL HIMSELF OR HERSELF TO THE RIGHT OF NONASSOCIATION WITH A LABOR ORGANIZATION AS PROVIDED IN THIS SUBSECTION SHALL MAKE WRITTEN APPLICATION TO THE CHAIRMAN OF THE BOARD OF PERSONNEL APPEALS. WITHIN TEN DAYS OF THE DATE OF RECEIPT OF SUCH APPLICATION, THE CHAIRMAN SHALL APPOINT A COMMITTEE OF THREE (3) CONSISTING OF A CLERGYMAN NOT CONNECTED WITH THE SECT IN QUESTION, A LABOR UNION OFFICIAL NOT DIRECTLY CONNCECTED WITH THE LABOR ORGANIZATION IN QUESTION AND A MEMBER OF THE PUBLIC AT LARGE, WHO SHALL BE THE CHAIRMAN. THE COMMITTEE SHALL, WITHIN TEN (10) DAYS OF THE DATE OF ITS APPOINTMENT, MEET AT THE LOCALE OF EITHER THE EMPLOYEE'S RESIDENCE OR PLACE OF EMPLOYMENT AND, AFTER RECEIVING WRITTEN OR ORAL PRESENTATIONS FROM ALL INTERESTED PARTIES, DETERMINE BY A MAJORITY VOTE WHETHER OR NOT SUCH PUBLIC EMPLOYEE QUALIFIES FOR THE RIGHT OF NONASSOCIATION WITH SUCH LABOR ORGANIZATION. THE COMMITTEE'S DECISION SHALL BE MADE IN WRITING WITHIN THREE (3) DAYS OF THE MEETING DATE AND A COPY THEREOF SHALL BE FORTHWITH MAILED TO SUCH PUBLIC EMPLOYEE, LABOR ORGANIZATION AND THE CHAIRMAN OF THE BOARD OF PERSONNEL APPEALS.

March 6, 1974

LABOR AND EMPLOYMENT RELATIONS COMMITTEE PROCEEDINGS:

A meeting of the Labor and Employment Relations Committee was held on Wednesday, March 6, 1974, at 10:30 a.m. in Room 428A with Chairman Pat McKittrick presiding. All members were present, except Reps. Ellerd, Tierney, and Turman, who were excused.

SENATE BILL #702 -- SPONSOR: Sen. Paul Boylan. This bill exempts people with religious beliefs from joint a labor organization. The amount of the dues, initiation fees, assessments shall be paid to a nonreligious, nonunion charity designated by the labor organization. Mr. Norman Ostrander, Seventh-Day Adventist Churches,--statement attached--supported the bill. Mr. Arthur Lickey, director, public affairs, Seventh Day Adventist Churches, said the bill has built-in protections if anyone fears it will open the door to anti-labor people. On page 4, line 23, a committee of three, checks an individual who claims a bona fide religious tenet to see that he actually has a religious conviction. OPPOSITION: Mr. Vern Reinhart, Retail Clerks International Union, said that the state liquor clerks and the UM employees come under this bill. This poses a problem. This bill strengthens the agency shop provision, and the problem arises with contracts between them and people who aren't required to belong to a labor union. Mr. Ostrander pointed out that this bill amends SB #446 which was passed last year. Mr. Lickey added that they have had favorable rulings from the Equal Opportunity Commission, and that in Montana, approximately 21 people would be affected by this ruling.

SENATE BILL #711 -- SPONSOR: Sen. William Bertsche. In July, 1973, the Attorney General gave the interpretation of "supervisory employee"s, and this bill was introduced to clarify that interpretation. He said labor representatives were consulted when the bill was written. Mr. Pete Byrons, state labor negotiation, Dept. of Administration, said these amendments will help management and the entire collective bargaining process by clearly delineating the language which was intended in SB #446. He said the burden of the proof would be on management that the exempted employees were truly involved in the labor process. In this bill, we are only talking about a few employees, but ones who provide key services to collective bargaining agents, and they are the ones that will be exempted from bargaining units of public employees. Mr. Doyle Saxby, director, Dept. of Administration, also spoke in support. Mr. Vern Reinhard said that the State Board of Personnel Appeals ruled that the state should sign a contract, but on page 4, line 3 of this bill, "supervisory employees and management officials" are excluded. He questioned whether this would affect liquor vendors as well as other people who have had contracts in the past. He suggested adding the grandfather clause from SB #446, which will not take away the certification from units. OPPOSITION: Mr. G. L. Hammond, AFL-CIO,--statement attached--said the Board of Personnel Appeals, without funding, is promulgating rules to determine appropriate units and govern elections, etc., not to mention conducting hearings. Labor felt that SB #446 has not had enough time to be effective, and until there is more experience with collective bargaining the public service in Montana, he requested that no changes be made at this time. He submitted some amendments, which are attached. Mr. Saxby said he would be agreeable to the grandfather clause, but not to Mr. Hammond's amendments as submitted. Rep. Turner asked why he was opposed to the amendments. Mr. Saxby replied that they were contrary to the original intent of SB #446. This amendment permits supervisory employees to become organized, and he felt was adding confusion rather

than clarifying.

Witnesses were excused, and the following action was taken:

SENATE BILL #702 -- Rep. Hodges moved that SENATE BILL #702 BE NOT CONCURRED IN. Rep. Flynn disagreed because he felt it was evident that these people have a particular situation and organized labor on the national level has recognized this problem. Rep. Bell agreed with Rep. Flynn. Rep. Lombardi felt that this was opening up a new "can of worms" and that there would be several groups coming in to ask to be exempted from unions. Rep. Hodges' motion failed with Reps. Lombardi, Baeth, Hodges, and Kimble voting yes; and Reps. Bell, East, Flynn, Lee, and Turner voting no. Rep. Bennetts and Colberg abstained. Rep. Flynn moved that SENATE BILL #702 BE CONCURRED IN. Motion carried with Reps. Bell, East, Flynn, Lee, and Turman voting yes; and Reps. Lombardi, Hodges, Kimble, and Baeth opposed. Reps. Bennetts and Colberg abstained.

SENATE BILL #642 -- Rep. Lee moved that SENATE BILL #642 BE CONCURRED IN. Tom Keegan said that a letter was sent to the Attorney General requesting his opinion, but conflicting replies were received. Chairman McKittrick said the safest way to handle this bill would be to put the appropriation into another bill. Rep. Baeth made a substitute motion to amend the title and the body of the bill to make the act effective upon passage and approval by adding a new section 2. Rep. Lee said it was our responsibility to cover this cost because we left them out last year. Rep. Turner was opposed to the amendment because the money wasn't appropriated. Rep. Baeth's motion to amend the bill carried with Reps. Bell, East, and Turner opposed. Rep. Lee then moved that SB #642 AS AMENDED BE CONCURRED IN. Motion carried with Rep. Turner opposed.

SENATE BILL #711 -- Rep. Bennetts moved that SENATE BILL #711 BE NOT CONCURRED IN. Rep. Kimble felt this bill discriminated against those secretaries in a confidential relationship with her employer because she is exempted from bargaining units. Both Reps. Bennetts and McKittrick pointed out that there was no definition for "confidential labor relationship." Motion that SENATE BILL #711 BE NOT CONCURRED IN carried; Rep. Colberg opposed.

SENATE BILL #48 -- Rep. Hodges moved that SENATE BILL #48 BE NOT CONCURRED IN. She said that OSHA will still be in command whether this is passed or not. Rep. Lee said this will cost more money to the employer. Rep. Flynn said the thing he liked about this bill was the aspect of courtesy inspections. He said that the small businesses don't have the expertise as far as safety inspections are concerned, whereas larger business can afford to provide this. He also felt that everything would function better on the state level, and he appreciated the opposition's argument that Workmen's Compensation Division cannot administer this.

Rep. Kimble made a substitute motion to amend the bill as following: 1) page 3, section 3, subsection (2), lines 21 & 22, after "division of" by deleting the material "workmen's compensation" and inserting " occupational safety and health", and 3) page 54, line 10, by adding a new section 74 to read: 'Section 74. There is created a division of occupational safety and health within the department of labor and

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE:

MY NAME IS NORMAN OSTRANDER, AND I AM REPRESENTING THE MONTANA CONFERENCE OF SEVENTH-DAY ADVENTISTS. THIS STATEMENT IS IN BEHALF OF THE MEMBERS OF THE SEVENTH-DAY ADVENTIST CHURCH WHO HAVE VOICED THEIR SUPPORT IN FAVOR OF SB 702.

THE PEOPLE I REFER TO MARCH TO THE BEAT OF A DIFFERENT DRUMMER. THEY HAVE DIFFERENT CONVICTIONS THAN SOME OF THEIR FELLOW WORKERS. LIKE SOME OF THE FOUNDERS OF THIS NATION, THEY HOLD RELIGIOUS CONVICTIONS ABOVE CONSIDERATION OF MONEY AND SECURITY. MANY OF THESE PEOPLE HAVE A CONVICTION THAT WILL NOT PERMIT THEM TO CONSCIENTIOUSLY JOIN OR SUPPORT LABOR ORGANIZATIONS. THIS IS A RELIGIOUS TENET THAT HAS BEEN TAUGHT BY THIS CHURCH FOR OVER A CENTURY AND WAS RECENTLY RE-CONFIRMED AT THEIR FALL COUNCIL IN MEXICO CITY. (SEE EXHIBIT A) THOSE MEMBERS WHO DO NOT JOIN OR SUPPORT LABOR ORGANIZATIONS ARE MOTIVATED BY RELIGIOUS CONVICTIONS WHICH THEY EXPRESS IN A NON-VIOLENT WAY.

ALTERNATIVES SUGGESTED

SINCE 1965 THE CONGRESS OF THE UNITED STATES HAS AT VARIED TIMES ENDEAVORED TO ASSIST THESE PEOPLE BY SUGGESTING ALTERNATIVES WHICH WOULD BE ACCEPTABLE TO LABOR. (SEE EXHIBITS B AND C). LABOR ORGANIZATIONS NEED TO BE COMMENDED FOR THEIR EFFORTS IN HELPING THE MINORITY IN THE PAST. AS ALREADY STATED EARLIER TO THIS COMMITTEE, THE STATES OF OREGON AND WASHINGTON HAVE AT THIS TIME STATUTES WHICH PROTECT THESE PEOPLE. (SEE EXHIBIT I). LABOR WAS LARGELY RESPONSIBLE IN MAKING THIS POSSIBLE BY THEIR COORDINATED EFFORT WITH THE PUBLIC AFFAIRS DEPARTMENT OF THE NORTH PACIFIC CONFERENCE OF SEVENTH-DAY ADVENTISTS.

LABOR'S EARLIER ATTEMPT TO HELP

IN 1965, WHEN WE APPEARED BEFORE THE HOUSE SPECIAL SUBCOMMITTEE ON LABOR IN THE U.S. CONGRESS DURING THE 14(B) BATTLE IN BEHALF OF THE PEOPLE WHO COULD NOT VIOLATE THEIR RELIGIOUS CONVICTIONS, MR. GEORGE MEANY SENT A LETTER TO MR. FRANK THOMPSON, (SEE EXHIBIT D) CHAIRMAN OF THAT COMMITTEE, STATING THAT HE AND THE INTERNATIONAL UNION HE REPRESENTED UNDERSTOOD THE PROBLEM, AND SAID:

> "I AM STRONGLY OF THE VIEW THAT UNIONS AND EMPLOYERS SHOULD UNDERTAKE TO ACCOMMODATE THE RELIGIOUS OBJECTIONS WITH REGARD TO UNION SECURITY ARRANGEMENTS."

AFTER ACKNOWLEDGING THAT DIFFICULTIES HAD BEEN ENCOUNTERED, MR. MEANY SAID:

> "IN ANY EVENT, I BELIEVE THAT UNIONS, AND EMPLOYERS, TOO, SHOULD ACCOMMODATE THEMSELVES TO GENUINE INDIVIDUAL RELIGIOUS SCRUPLES AND I AM SURE THAT ALL OF OUR UNIONS WILL TAKE THAT VIEW TOO. I INTEND, ACCORDINGLY, TO PROPOSE TO THE AFL-CIO EXECUTIVE COUNCIL THAT IT ADOPT A STRONG POLICY STATEMENT TO THAT EFFECT."

TRUE TO HIS WORD, MR. MEANY DID TAKE THE MATTER TO THE EXECUTIVE COUNCIL, AND ON SEPTEMBER 20, 1965, THE COUNCIL ISSUED A STATEMENT (SEE EXHIBIT E) URGING "ALL NATIONAL AND INTERNATIONAL UNIONS AFFILIATED WITH THE AFL-CIO, THAT HAVE NOT ALREADY DONE SO, TO:

1. IMMEDIATELY ADOPT PROCEDURES FOR RESPECTING SINCERE PERSONAL RELIGIOUS CONVICTIONS AS TO UNION MEMBERSHIP OR ACTIVITIES; AND
2. UNDERTAKE TO INSURE THAT THIS POLICY IS FULLY AND SYMPATHETICALLY IMPLEMENTED BY ALL LOCAL UNIONS."

WHAT LABOR CANNOT DO--LAWS MUST DO

I WISH THERE WAS SOME WAY THAT THIS STATEMENT COULD BE EXECUTED TO ITS FULLEST IMPLICATION. BUT UNFORTUNATELY, ALL LABOR LEADERS DO NOT AGREE WITH THE EXECUTIVE COUNCIL'S DIRECTIVES, BECAUSE THE

EXPERIENCES OF MANY SEVENTH-DAY ADVENTISTS ACROSS THE NATION HAVE BEEN EITHER FORCED TO COMPROMISE THEIR CONSCIENCE BY JOINING OR SUPPORTING A LABOR ORGANIZATION OR LOOSE THEIR JOB. ORGANIZED LABOR, THROUGH THEIR REPRESENTATIVE, MR. MEANY, HAS INDICATED THAT LABOR COULD LIVE WITH AN EXEMPTION FOR RELIGIOUS OBJECTORS (SEE EXHIBIT F) FOR IT DOES NOT PRESENT A THREAT TO UNION SECURITY AGREEMENTS.

THE SPIRIT OF THE 1964 CIVIL RIGHTS LAW

THE CIVIL RIGHTS LAW OF OUR NATION EMBRACES MORE THAN THE CONCEPT OF COLOR, NATIONALITY OR ETHNIC BACKGROUND. IT ALSO FORBIDS DISCRIMINATION BECAUSE OF RELIGION. WHEN AN INDIVIDUAL REFUSES TO JOIN OR SUPPORT A LABOR UNION BECAUSE OF HIS RELIGIOUS CONVICTIONS, PRESENT LAW MAKES IT POSSIBLE FOR LABOR UNIONS TO COMPEL THAT INDIVIDUAL TO CHOOSE BETWEEN HIS RELIGIOUS CONVICTION AND HIS JOB. THIS THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION DECLARES TO BE RELIGIOUS DISCRIMINATION. (SEE EXHIBIT G) THESE FINDINGS ARE RATHER NEW WITH THE EEOC, BUT THEY HAVE BEEN SHOWING UP IN VARIOUS PARTS OF THE COUNTRY. TO PROTECT YOUR OWN LAWS, YOU MUST MAKE SURE RELIGIOUS OBJECTORS ARE PROTECTED AGAINST BEING FORCED TO CHOOSE BETWEEN EMPLOYMENT AND RELIGION. SB 702 WILL HELP YOUR LAWS FROM BEING DECLARED IN VIOLATION OF THE CIVIL RIGHTS LAW. IT ALSO, AS AMENDED BY THE MONTANA SENATE LAST MONTH, HAS PROVIDED PROTECTION FOR THE LABOR ORGANIZATION AGAINST ANY THAT MIGHT ABUSE THIS RIGHT. WE WANT TO THANK THE MONTANA AFL-CIO FOR THEIR COOPERATION IN THIS ENDEAVOR.

YOUR FREEDOM AND OURS

IN CLOSING LET ME SAY THAT, YOU MAY NOT AGREE WITH THE RELIGIOUS CONVICTIONS OF SEVENTH-DAY ADVENTISTS IN REGARD TO LABOR UNIONS. YOU MAY EVEN BELIEVE THAT THESE CONVICTIONS ARE FOOLISH, A LITTLE OLD-FASHIONED, SOMETHING THAT MIGHT BELONG TO THE PAST. BUT AS GOOD AMERICANS, YOU CERTAINLY BELIEVE IN PROTECTING A MAN IN HIS BELIEFS AND RELIGIOUS CONVICTIONS. FOR HIS FREEDOM IS YOUR FREEDOM. WHEN HIS FREEDOM IS DENIED, YOURS IS IN IMMANENT DANGER. THANK YOU FOR YOUR CONSIDERATION AND SUPPORT OF AN AMENDMENT TO PROTECT PEOPLE WHO, BECAUSE OF THEIR CONVICTION, THAT COULD BE YOURS, CANNOT EITHER JOIN OR SUPPORT A LABOR UNION.

#####

AN ACT AMENDING SECTION 59-1603, R.C.M. 1947, TO PROVIDE THAT ANY AGREEMENTS INVOLVING UNION SECURITY MUST SAFEGUARD THE RIGHTS OF NONASSOCIATION OF EMPLOYEES BASED ON BONA FIDE RELIGIOUS TENETS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 59-1603, R.C.M. 1947, is amended to read as follows:

"59-1603. Employees' right to join or form labor organization and engage in collective bargaining activities. (1) Public employees shall have, and shall be protected in the exercise of, the right of self-organization, to form, join or assist any labor organization, to bargain collectively through representatives of their own choosing on questions of wages, hours, fringe benefits, and other conditions of employment and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection, free from interference, restraint or coercion.

(2) Public employees and their representatives shall recognize the prerogatives of public employers to operate and manage their affairs in such areas as but not limited to:

(a) direct employees;

(b) hire, promote, transfer, assign, and retain employees;

(c) relieve employees from duties because of lack of work or funds or under conditions where continuation of such work be inefficient and nonproductive;

(d) maintain the efficiency of government operations;

(e) determine the methods, means, job classifications, and personnel by which government operations are to be conducted;

(f) take whatever actions may be necessary to carry out the missions of the agency in situations of emergency;

(g) establish the methods and processes by which work is performed.

(3) Labor organizations designated in accordance with the provisions of this act are responsible for representing the interest of all employees in the exclusive bargaining unit without discrimination for the purposes of collective bargaining with respect to rates of pay, hours, fringe benefits, and other conditions of employment.

(4) Certification as an exclusive representative shall be extended or continued as the case may be only to a labor or employee organization the written bylaws of which provide for and guarantee the following rights and safeguards and whose practices conform to such rights and safeguards as: provisions are made for democratic organization and procedures; elections are conducted pursuant to adequate standards and safeguards; controls are provided for the regulation of officers and agents having fiduciary responsibility to the organization; and requirements exist for maintenance of sound accounting and fiscal controls including annual audits.

(5) No public employee who is a member of a bona fide

religious sect, or division thereof, the established and traditional tenets or teachings of which oppose a requirement that a member of such sect or division join or financially support any labor organization, may be required to join or financially support any labor organization as a condition of employment, if such public employee pays, in lieu of periodic union dues, initiation fees, and assessments, at the same time or times such periodic union dues, initiation fees, and assessments would otherwise be payable, a sum of money equivalent to such periodic union dues, initiation fees, and assessments, to a nonreligious, nonunion charity designated by the labor organization. Such public employee shall furnish to such labor organization written receipts evidencing such payments and failure to make such payments or furnish such receipts shall subject the employee to the same sanctions as would nonpayment of dues, initiation fees or assessments under the applicable collective bargaining agreement.

A public employee desiring to avail himself or herself to the right of nonassociation with a labor organization as provided in this subsection shall make written application to the chairman of the board of personnel appeals. Within ten days of the date of receipt of such application, the chairman shall appoint a committee of three (3) consisting of a clergyman not connected with the sect in question, a labor union official not directly connected with the labor organization in question and a member of the public at large, who shall be the chairman. The committee

shall, within ten (10) days of the date of its appointment, meet at the locale of either the employee's residence or place of employment and, after receiving written or oral presentations from all interested parties, determine by a majority vote whether or not such public employee qualifies for the right of nonassociation with such labor organization. The committee's decision shall be made in writing within three (3) days of the meeting date and a copy thereof shall be forthwith mailed to such public employee, labor organization and the chairman of the board of personnel appeals."

I hereby certify that the within bill originated in the Senate.

John N. Hanson
Secretary of the Senate

President of the Senate
Signed this 14th day
of March, 1974.

Speaker of the House
Signed this 14th day
of March, 1974.

CHAPTER NO. 244

SENATE BILL NO. 702

INTRODUCED BY BOYLAN, LOWE

AN ACT AMENDING SECTION 59-1603, R.C.M. 1947, TO PROVIDE THAT ANY AGREEMENTS INVOLVING UNION SECURITY MUST SAFEGUARD THE RIGHTS OF NONASSOCIATION OF EMPLOYEES BASED ON BONA FIDE RELIGIOUS TENETS.

15 March 74

3-21-74

STATE OF MONTANA
DEPARTMENT OF SECRETARY OF STATE
FILED
March 21 1974
AT 1:40 O'CLOCK P M
Frank Murray
SECRETARY OF STATE
BY Jo Ann Woodgerd
DEPUTY

8-902. **Notice to advise public of availability of consumer counsel.** All forms of notice of public hearings conducted by the public service commission under this title, including all notices posted in public places or published in the legal advertising sections of newspapers, shall advise members of the consuming public of the existence of the office of the Montana consumer counsel and its availability to function on behalf of members of the consuming public.

Approved March 21, 1974

CHAPTER NO. 244

AN ACT AMENDING SECTION 59-1603, R.C.M. 1947, TO PROVIDE THAT ANY AGREEMENTS INVOLVING UNION SECURITY MUST SAFEGUARD THE RIGHTS OF NONASSOCIATION OF EMPLOYEES BASED ON BONA FIDE RELIGIOUS TENETS.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 59-1603, R.C.M. 1947, is amended to read as follows:

"59-1603. **Employees' right to join or form labor organization and engage in collective bargaining activities.** (1) Public employees shall have, and shall be protected in the exercise of, the right of self-organization, to form, join or assist any labor organization, to bargain collectively through representatives of their own choosing on questions of wages, hours, fringe benefits, and other conditions of employment and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection, free from interference, restraint or coercion.

(2) Public employees and their representatives shall recognize the prerogatives of public employers to operate and manage their affairs in such areas as but not limited to:

(a) direct employees;

(b) hire, promote, transfer, assign, and retain employees;

(c) relieve employees from duties because of lack of work or funds or under conditions where continuation of such work be inefficient and nonproductive;

(d) maintain the efficiency of government operations;

(e) determine the methods, means, job classifications, and personnel by which government operations are to be conducted;

(f) take whatever actions may be necessary to carry out the missions of the agency in situations of emergency;

(g) establish the methods and processes by which work is performed.

(3) Labor organizations designated in accordance with the provisions of this act are responsible for representing the interest of all employees in the exclusive bargaining unit without discrimination for the purposes of collective bargaining with respect to rates of pay, hours, fringe benefits, and other conditions of employment.

(4) Certification as an exclusive representative shall be extended or continued as the case may be only to a labor or employee organization the written bylaws of which provide for and guarantee the following rights and safeguards and whose practices conform to such rights and safeguards as: provisions are made for democratic organization and procedures; elections are conducted pursuant to adequate standards and safeguards; controls are provided for the regulation of officers and agents having fiduciary responsibility to the organization; and requirements exist for maintenance of sound accounting and fiscal controls including annual audits.

(5) No public employee who is a member of a bona fide religious sect, or division thereof, the established and traditional tenets or teachings of which oppose a requirement that a member of such sect or division join or financially support any labor organization, may be required to join or financially support any labor organization as a condition of employment, if such public employee pays, in lieu of periodic union dues, initiation fees, and assessments, at the same time or times such periodic union dues, initiation fees, and assessments would otherwise be payable, a sum of money equivalent to such periodic union dues, initiation fees, and assessments, to a nonreligious, nonunion charity designated by the labor organization. Such public employee shall furnish to such labor organization written receipts evidencing such payments and failure to make such payments or furnish such receipts shall subject the employee to the same sanctions as would nonpayment of dues, initiation fees or assessments under the applicable collective bargaining agreement.

A public employee desiring to avail himself or herself to the right of nonassociation with a labor organization as provided in this subsection shall make written application to the chairman of the board of personnel appeals. Within ten days of the date of receipt of such application, the chairman shall appoint a committee of three (3) consisting of a clergyman not connected with the sect in question, a labor union official not directly connected with the labor organization in question and a member of the public at large, who shall be the chairman. The committee shall, within ten (10) days of the date of its appointment, meet at the locale of either the employee's residence or place of employment and, after receiving written or oral presentations from all interested parties, determine by a majority vote whether or not such public employee qualifies for the right of nonassociation with such labor organization. The committee's decision shall be made in writing within three (3) days of the meeting date and a copy thereof shall be forthwith mailed to such public employee, labor organization and the chairman of the board of personnel appeals."

Approved March 21, 1974

CHAPTER NO. 245

MONTANA MODEL LIFE AND HEALTH INSURANCE GUARANTY ASSOCIATION ACT.

Be it enacted by the Legislature of the State of Montana: